

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03CV12223RGS

\*\*\*\*\*

TERRI J. PEDATO, AS MOTHER AND \*  
NEXT FRIEND OF RICHARD MORRILL<sup>1</sup> \*  
Plaintiff \*

v. \*

FRED H. ARRIGG, JR., M.D. \*  
Defendant \*

\*\*\*\*\*

**PLAINTIFF'S MOTION FOR APPROVAL OF SETTLEMENT**

Now comes the plaintiff in the above referenced matter and respectfully moves this Honorable Court to approve the settlement entered into between the parties herein. The liability of the Defendant was questionable and the settlement is a compromise. The terms of the settlement are as follows.

The settlement has a present day cash value of \$125,000. Per the terms of the settlement \$73,178.08 is to be paid in cash upon settlement approval for payment of a MassHealth lien, legal fees, case expense reimbursement and cash to the minor plaintiff as further described *infra*. The balance of the settlement proceeds (\$51,821.92) is to be used for the purchase by the defendant's liability insurer., Promutual, to purchase an annuity from Allstate Life Insurance Company (rated A.M. Best A+ Class XV) for the periodic payment of tax-free funds to Richard Morrill as more fully described in exhibit A hereto.

---

<sup>1</sup> While this litigation has been pending Richard was adopted by his step-father, Steven Pedato.

Approved: R.M. Hearn DJ 12-17-07.

Distribution of the cash portion of the settlement proceeds is as follows:

--Commonwealth of Massachusetts.....	\$ 20,000.00 <sup>2</sup>
--Richard Morrill .....	\$ 7,500.00
--Joseph G. Abromovitz, P.C. -- Legal Fees .....	\$ 40,000.00 <sup>3</sup>
--Joseph G. Abromovitz, P.C. --Reimbursement of Case Expenses \$	<u>5,678.08</u> <sup>4</sup>
Total.....	\$ 73,178.08

The remainder of the settlement proceeds are to be used to purchase tax-free annuities that will generate a tax-free income stream to Richard Pedato totaling \$79,934.20 described in Exhibit A.

Counsel for plaintiff believes the settlement to be fair and reasonable and in the best interests of this child and respectfully request this Court to approve same.

Dated: December 18, 2007

The Plaintiff,  
By her attorney,  
JOSEPH G. ABROMOVITZ, P.C.

---

Joseph G. Abromovitz  
BBO NO. 011420  
858 Washington Street  
Third Floor  
Dedham, MA 02026  
Phone: (781) 329-1080

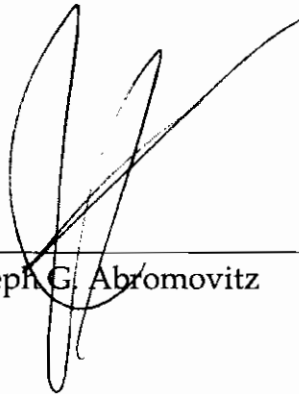
---

<sup>2</sup> Reduced from \$39,517.57  
<sup>3</sup> Reduced from the contracted fee of \$50,000.00  
<sup>4</sup> See Exhibit B hereto.

### **CERTIFICATE OF SERVICE**

I, Joseph G. Abromovitz, counsel for the plaintiff, hereby certify that on the 11<sup>th</sup> day of December, 2007 I served a copy of the within document via facsimile and postage prepaid mail to the following counsel of record:

Kenneth Weiss, Esquire  
Nicole Mason, Esquire  
FICKSMAN & CONLEY  
98 Washington Street  
Suite 500  
Boston, MA 02114

---

Joseph G. Abromovitz

**RICHARD PEDATO**

D.O.B.: 05/17/1992

Normal Life Expectancy 66.0 Years

Exh A

**PACKAGE D**

<b>Age</b>	<b>Starting Date</b>	<b>Monthly Benefit</b>	<b>Guaranteed Benefit</b>	<b>Life Contingent Benefit</b>	<b>Total Benefit To Date</b>
15	06/17/2007	\$0.00	\$0.00	\$0.00	\$0.00
16	06/17/2008	\$0.00	\$0.00	\$0.00	\$0.00
17	06/17/2009	\$0.00	\$0.00	\$0.00	\$0.00
18	06/17/2010	\$399.33	\$4,791.96	\$0.00	\$4,791.96
19	06/17/2011	\$411.31	\$4,935.72	\$0.00	\$9,727.68
20	06/17/2012	\$423.65	\$5,083.80	\$0.00	\$14,811.48
21	06/17/2013	\$436.36	\$5,236.32	\$0.00	\$20,047.80
22	06/17/2014	\$449.45	\$5,393.40	\$0.00	\$25,441.20
23	06/17/2015	\$462.93	\$5,555.16	\$0.00	\$30,996.36
24	06/17/2016	\$476.82	\$5,721.84	\$0.00	\$36,718.20
25	06/17/2017	\$491.12	\$5,893.44	\$0.00	\$42,611.64
26	06/17/2018	\$505.85	\$6,070.20	\$0.00	\$48,681.84
27	06/17/2019	\$521.03	\$6,252.36	\$0.00	\$54,934.20
28	06/17/2020	\$0.00	\$25,000.00	\$0.00	\$79,934.20
Totals:			\$79,934.20	\$0.00	\$79,934.20

**\*\*\* REVISED FINAL PLAN OF SETTLEMENT**

12/11/07 \*\*\*

This quote is good for 7 days from December 11, 2007

THIS SETTLEMENT IS CONTINGENT UPON VERIFICATION OF DATE OF BIRTH

**SUMMIT SETTLEMENT SERVICES**

BRIAN MILOSH

508-650-5454

508-650-5454

ExL B

**BREAKDOWN OF CASE EXPENSES**

Expert Witnesses	\$3,850.00
Depositions	\$1,357.70
Court Costs (filing fee/service of process)	\$ 264.20
Medical Records	\$ 274.64
Travel	\$ 106.50
Postage/Photocopies	<u>\$ 25.04</u>
TOTAL	\$5,878.08